

MONDAY, MARCH 4, 1996

SIXTY-NINTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative John DeBerry.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cole(Carter); personal reasons.

Representative Cole(Dyer); personal reasons.

Representative Jackson; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 107: Rep(s). Newton, Lewis, McDaniel as prime sponsor(s).

House Bill No. 2027: Rep(s). Roach, Williams(Union), as prime sponsor(s).

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House Bill No. 2093: Rep(s). Bowers and Turner(Hamilton) as prime sponsor(s).

House Bill No. 2267: Rep(s). Byrd and Boyer as prime sponsor(s).

House Bill No. 2871: Rep(s). Langster, McDonald, Newton, Kent, Stulce, Tindell, Armstrong, Pinion, Haley, Givens and Roach as prime sponsor(s).

House Bill No. 3079: Rep(s). Givens, Turner(Hamilton), Kisber, Stulce, Naifeh, Ford, Patton, Bittle, Windle, Boyer, McDaniel and Williams(Union) as prime sponsor(s).

House Bill No. 3108: Rep(s). Armstrong as prime sponsor(s).

MESSAGE FROM THE SENATE

March 4, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2683; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2683 --** Local Government, General - Prohibits local governmental units from controlling amount of rent charged for residential or commercial property. Amends TCA Title 66. by *Rochelle.

MESSAGE FROM THE SENATE

March 4, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2369; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2369 -- Election Laws - Deletes requirement elderly or handicapped person file letter with election commission stating that intends to vote at commission; authorizes affidavit to be kept on file at commission. Amends TCA Section 2-3-109. by *Harper, *Crutchfield, *O'Brien, *Cooper, *Rochelle, *Haynes, *Henry, *Springer, *Kyle, *Ford J, *Cohen, *Dixon, *Womack.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 453 -- General Assembly, Confirmation of Appointment - H. Lynn Greer, Jr., Tennessee Regulatory Authority. by *Bittle, *McAfee, *Davis, *Gunnels, *Venable, *Newton, *Beavers, *Hassell, *Stamps, *McDaniel, *Sharp, *Wood, *Williams (Union), *Boyer, *Patton, *Cole (Carter), *Kent, *Dunn, *Cantrell, *Huskey, *Hicks, *McKee, *Roach, *Ramsey, *Westmoreland, *Walley, *Peach, *Ford S, *Duer, *Haley, *Clabough, *Kerr, *Shirley, *Bird, *Callicott, *Coffey.

Commerce Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 6, 1996:

House Resolution No. 184 -- Memorials, Professional Achievement - Suzanne J. Shinn, 1996 Teacher of the Year, Inskip Elementary School. by *Dunn.

House Resolution No. 185 -- Memorials, Recognition and Thanks - 1996 Beautillion Militaire Beaus. by *Jones R (Shelby).

House Joint Resolution No. 455 -- Memorials, Public Service - Leadership Clarksville Class of 1996, contributions to Clarksville community. by *McMillan, *Head.

House Joint Resolution No. 457 -- Memorials, Congratulations - Chattanooga Music Club, 100th Anniversary. by *Stulce.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3253 -- Sharon - Subject to local approval, directs refunds be made to persons illegally taxed or erroneously collected Amends Chapter 177 of the Acts of 1901. by *Herron.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 2071 -- Taxes, Excise - Defines "net earnings" under excise tax law for financial institutions which form a unitary business; specifies elements for inclusion in such unitary business' annual tax return. Amends TCA Title 67, Chapter 4, Part 8. by *McNally, *Holcomb, *Crowe, *Atchley, *Elsea, *Carter, *Person, *Haun.

***Senate Bill No. 2305** -- Marriage - Prohibits recognition of same sex marriages even if performed in other states Amends TCA Title 36, Chapter 3. by *Holcomb, *Miller J, *Jordan, *Fowler, *Rice.

***Senate Bill No. 2333** -- Purchasing - Requires annual preparation and publication of forecast of purchases anticipated by state departments and agencies during upcoming fiscal year. Amends TCA Title 12, Chapter 3. by *Dixon, *Harper.

***Senate Bill No. 2429** -- Hospitals and Health Care Facilities - Exempts birthing centers, which provide routine delivery and postpartum services for mothers and newborn infants, from the certificate of need process of the health facilities commission; subjects such

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centers to regulation by the board for licensing health care facilities. Amends TCA Title 68, Chapter 11. by *Harper, *Dixon, *Ford J.

***Senate Bill No. 2519** -- Uniform Commercial Code - Permits filing of copies of Article 9 documents if security agreement so provides; requires such documents to be on 8 1/2 x 11 paper beginning 1/1/97 Amends TCA Title 47, Chapter 9, Part 4. by *Haynes.

Senate Bill No. 2645 -- Privacy, Confidentiality - Clarifies patient's medical records of health care provider are not public records and no requirement to furnish records deemed to impair privilege of confidentiality conferred by law on patients, personal representatives or heirs. Amends TCA Title 63, Chapter 2. by *Henry.

***Senate Bill No. 2728** -- Election Laws - Brings state voter purging procedure into compliance with National Voter Registration Law. Amends TCA Section 2-2-106. by *Crutchfield, *Kyle.

***Senate Bill No. 2783** -- Evidence - Requires owner of rental car to give notice that it is overdue within 72 hours of time car due back before failure to return car becomes evidence of willful intent to deprive owner of car. Amends TCA Title. by *Cohen.

***Senate Bill No. 2819** -- Administrative Procedure - Authorizes secretary of state to contract for publication of rules and monthly administrative register. by *Crutchfield.

***Senate Bill No. 2876** -- Sexual Offenses - Requires court imposing sentence to notify in writing any public or private school when employee of school convicted of sexual offense against minor. Amends TCA Title 40, Chapter 35. by *Leatherwood, *Person, *Burks.

***Senate Bill No. 2907** -- Railroads - Authorizes CSX, Inc. to abandon certain railroad rights of way in Davidson County. by *Henry.

***Senate Bill No. 3133** -- Pensions and Retirement Benefits - Authorizes retirement incentive plan for employees of public service commission. Amends TCA Title 8, Chapter 34, Part 2. by *Atchley.

CONSENT CALENDAR

***House Bill No. 2037** -- Pensions and Retirement Benefits - Expands TCRS authority to make lump sum payments for small estates. Amends TCA Section 8-36-120(a); Section 8-37-104(a)(8). by *Rhinehart. (SB2365 by *Atchley)

On motion, House Bill No. 2037 was made to conform with **Senate Bill No. 2365**; the Senate Bill was substituted for the House Bill.

House Bill No. 2788 -- Taxes, Sales - Includes freight and labor of boats as single article. Amends TCA Title 67, Chapter 6, Part 7. by *Rinks, *Kisber, *Head, *Rigsby, *Rhinehart, *Kent, *Cole (Carter), *Whitson, *West. (*SB2375 by *Rochelle)

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House Bill No. 2197 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates bearing logo of International Association of Firefighters. Amends TCA Title 55, Chapter 4. by *Burchett, *Tindell. (*SB2216 by *Haun)

On motion, House Bill No. 2197 was made to conform with **Senate Bill No. 2216**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 407** -- Memorials, Government Officials - Urges department of transportation to include segments of two county roads in Macon County within state highway system and to assume maintenance thereof. by *Buck, *Winningham.

***House Bill No. 1972** -- Highway Signs - "Judge Mac Farrar Memorial Highway," segment of setoff, Bedford County. by *Phillips. (SB2013 by *Womack)

On motion, House Bill No. 1972 was made to conform with **Senate Bill No. 2013**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1974** -- Highway Signs - "Dick Clark Highway," S.R. 254, Davidson County. by *Phillips, *Jones, S., *West. (SB2038 by *Rochelle)

On motion, House Bill No. 1974 was made to conform with **Senate Bill No. 2038**; the Senate Bill was substituted for the House Bill.

House Bill No. 2699 -- Education, Higher - Provides for tuition for children of service personnel killed, missing in action, or prisoners of war in Desert Shield/Desert Storm campaign or Bosnian operation. Amends TCA Section 49-7-102. by *McDaniel. (*SB2592 by *Cooper)

House Bill No. 2169 -- Naming and Designating - "John Tanner National Guard Armory," Union City. Amends TCA. by *Pinion, *Naifeh, *Phelan, *Fitzhugh, *Cole (Dyer), *Ridgeway, *Kisber, *Herron, *Rinks, *West. (*SB2197 by *Hamilton, *O'Brien, *Henry)

On motion, House Bill No. 2169 was made to conform with **Senate Bill No. 2197**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2411** -- Highway Signs - "John C. Jones Parkway," U.S. 45E Bypass, South Fulton. by *Pinion. (SB2926 by *Hamilton)

On motion, House Bill No. 2411 was made to conform with **Senate Bill No. 2926**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2887** -- Funeral Directors and Embalmers - Specifies that director of division of regulatory boards will serve as executive director of board of funeral directors and embalmers. Amends TCA Title 62, Chapter 5, Part 2. by *Garrett. (*SB3062 by *Ford J)

House Bill No. 2384 -- Alcoholic Beverages - Permits imposition of civil penalty for beer violation by city or county prior to hearing; repeals old transitional provisions concerning permits and signs. Amends TCA Section 57-5-108(a)(2). by *Hargrove. (*SB2270 by *Hamilton)

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***House Joint Resolution No. 398** -- Naming and Designating - Tennessee Home Education Week, March 3-10, 1996. by *Wood, *Ramsey.

***House Bill No. 2407** -- Alcoholic Beverages - Revises contract limitations on contracts for sale of brand name alcoholic beverages. Amends TCA Section 57-3-301(e)(1) and Section 57-3-301(e)(3). by *Rhinehart. (SB2798 by *Rochelle, *Hamilton)

House Bill No. 2780 -- Highway Signs - Directs department of transportation to include Oakdale on existing signs at Airport Road/S.R. 299 exit on I-40. by *Windle. (*SB2958 by *O'Brien)

On motion, House Bill No. 2780 was made to conform with **Senate Bill No. 2958**; the Senate Bill was substituted for the House Bill.

House Bill No. 3170 -- County Officers - Subject to local approval, abolishes office of constable in Morgan County. Amends Title 8, Chapter 10, Part 1. by *Windle. (SB3187 by *O'Brien)

***House Joint Resolution No. 390** -- Highway Signs - "I.V. Hillis, Jr. Highway," U.S. 70S, White County. by *Curtiss, *Rhinehart.

***House Joint Resolution No. 389** -- Highway Signs - "Harold 'Mose' Sims Memorial Highway," segments of S.R. 111, White County. by *Curtiss, *Rhinehart.

House Bill No. 3223 -- Highway Signs - "Bill Patton Memorial Bridge," Lewis County. Amends TCA. by *Patton. (*SB3215 by *Leatherwood)

House Bill No. 2889 -- Municipal Government - Specifies that cities within specified distances from existing cities may incorporate under certain circumstances. Amends TCA Title 6. by *Callicott. (*SB3058 by *Jordan)

***House Bill No. 2071** -- Municipal Government - Redefines "municipality" to include county under municipal utilities revenue bond law. Amends TCA Section 7-34-102. by *Herron, *Kisber. (SB2199 by *Hamilton)

On motion, House Bill No. 2071 was made to conform with **Senate Bill No. 2199**; the Senate Bill was substituted for the House Bill.

House Bill No. 2165 -- Highway Signs - "Robert 'Bob' Johnson Memorial Bridge," U.S. 19E, Carter County. by *Cole (Carter). (*SB2193 by *Crowe)

On motion, House Bill No. 2165 was made to conform with **Senate Bill No. 2193**; the Senate Bill was substituted for the House Bill.

House Bill No. 2973 -- Alcoholic Beverages - Redefines "club" to include Forrest Crossing Golf Course in Williamson County. Amends TCA Section 57-4-102(4). by *Callicott. (*SB3095 by *Jordan)

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House Bill No. 2333 -- Tennessee Regulatory Authority - Prohibits TRA directors from entering into employment, consulting, or representation arrangement with entity or entity's subcontractors regulated by TRA for one year period after leaving TRA. Amends TCA Section 65-1-202. by *Buck. (*SB1961 by *Cohen, *McNally, *Gilbert, *Fowler, *Cooper, *Jordan, *Miller J)

House Bill No. 2231 -- Liens - Allows legal lienholder to release or modify any instrument securing debt without execution of release instrument. Amends TCA Title 66. by *Buck. (*SB2229 by *Kyle)

House Bill No. 2007 -- Highway Signs - "Smyrna/Rutherford County Airport," I-24, Exit 66B, and I-840, U.S. 41-70 Exit. by *Bragg, *Eckles, *Beavers. (*SB1967 by *Womack)

On motion, House Bill No. 2007 was made to conform with **Senate Bill No. 1967**; the Senate Bill was substituted for the House Bill.

House Bill No. 2897 -- Treasurer, State - Revises provisions relative to collateral pool for public deposits. Amends TCA Title 9, Chapter 4. by *Kisber, *Fitzhugh. (*SB2562 by *Womack, *Henry)

On motion, House Bill No. 2897 was made to conform with **Senate Bill No. 2562**; the Senate Bill was substituted for the House Bill.

House Bill No. 2107 -- Municipal Government - Requires all purchases made with state street aid funds to be in conformity with public advertisement and competitive bidding law applicable to each particular municipality. Amends TCA Section 54-4-204. by *Fowlkes. (*SB2122 by *Womack)

On motion, House Bill No. 2107 was made to conform with **Senate Bill No. 2122**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2211** -- Local Government, General - Provides that railroad authorities are acting as agencies and instrumentalities of creating and participating counties and municipalities when acquiring, constructing and maintaining railroad property and facilities Amends TCA Section 7-56-202. by *Fowlkes, *Hargrove, *Ridgeway. (SB2711 by *Elsea, *Springer)

On motion, House Bill No. 2211 was made to conform with **Senate Bill No. 2711**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2856** -- Municipal Government - Allows credit of 25 hours for associate degree or 50 hours for bachelor degree towards required 100 hours of education courses for municipal clerk certification. Amends TCA Section 6-54-120(b) and (c). by *Fowlkes. (SB3017 by *Womack)

On motion, House Bill No. 2856 was made to conform with **Senate Bill No. 3017**; the Senate Bill was substituted for the House Bill.

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***House Bill No. 2237** -- Corporations - Allows parent corporation owning at least 90 percent of voting shares to merge with subsidiary entities without shareholder approval. Amends TCA Title 48, Chapters 18 and 21. by *Fowlkes. (SB2443 by *Cohen)

On motion, House Bill No. 2237 was made to conform with **Senate Bill No. 2443**; the Senate Bill was substituted for the House Bill.

House Bill No. 2469 -- Sunset Laws - Terminates interagency coordination council on the African-American family. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 1. by *Kernell, *Garrett, *Brooks. (*SB2619 by *Haynes)

On motion, House Bill No. 2469 was made to conform with **Senate Bill No. 2619**; the Senate Bill was substituted for the House Bill.

House Bill No. 2132 -- Sunset Laws - Advisory board for vocational training centers, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 49, Chapter 11. by *Kernell, *Garrett, *Brooks. (*SB1987 by *Haynes)

On motion, House Bill No. 2132 was made to conform with **Senate Bill No. 1987**; the Senate Bill was substituted for the House Bill.

House Bill No. 2158 -- Sunset Laws - Home improvement commission, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 37. by *Kernell, *Garrett, *Brooks. (*SB1984 by *Haynes)

House Bill No. 2459 -- Sunset Laws - Tennessee tollway authority, June 30, 2000; prohibits tollway authority from taking any action regarding tolls without authorization from general assembly. Amends TCA Title 4, Chapter 29, and Title 54, Chapter 15. by *Kernell, *Garrett, *Brooks. (*SB2622 by *Haynes)

On motion, House Bill No. 2459 was made to conform with **Senate Bill No. 2622**; the Senate Bill was substituted for the House Bill.

House Bill No. 2594 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates bearing logo of Alpha Kappa Alpha Sorority. Amends TCA Title 55, Chapter 4. by *Brown, *Armstrong, *Miller L. (*SB2614 by *Crutchfield)

House Bill No. 1970 -- Election Laws - Requires county to pay costs of second municipal election resulting from county election commission error unless error was made by relying on information provided by the municipality. Amends TCA Section 2-12-109. by *Halteman Harwell. (*SB1970 by *Henry)

On motion, House Bill No. 1970 was made to conform with **Senate Bill No. 1970**; the Senate Bill was substituted for the House Bill.

House Bill No. 2693 -- Livestock - Redefines "livestock" to include all poultry, rather than just farm poultry. Amends TCA Title 44, Chapters 7 and 18. by *McDaniel. (*SB2775 by *Springer)

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***House Bill No. 2029** -- Education, Dept. of - Changes date commissioner required to publish annual report from October 1 to November 1. by *Dunn, *Patton, *Bittle, *Davis, *Callicott, *Boyer, *McDaniel. (SB2065 by *Leatherwood, *Crowe, *Fowler, *Elsea, *Carter, *Person, *Haun, *Koella, *Koella, *Haun)

On motion, House Bill No. 2029 was made to conform with **Senate Bill No. 2065**; the Senate Bill was substituted for the House Bill.

Senate Joint Resolution No. 341 -- Memorials, Heroism - The late Chiune Sugihara. by *Henry, *Cohen.

Senate Joint Resolution No. 342 -- Memorials, Professional Achievement - Kay Martin, Athena recipient. by *Rice.

Senate Joint Resolution No. 343 -- Memorials, Professional Achievement - Chattanooga Music Club. by *Fowler.

Senate Joint Resolution No. 344 -- Memorials, Public Service - Jenny Reed, Prudential Spirit of Community Award honoree. by *Crutchfield.

House Joint Resolution No. 454 -- Memorials, Public Service - Dr.Dhyana Ziegler. by *Armstrong, *Turner (Shelby), *Brooks, *Brown, *DeBerry J.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2384; by Rep. Haley.

House Bill No. 2407; by Rep. Haley.

House Bill No. 2889; by Rep. Bowers.

House Bill No. 2333; by Rep. Bowers.

House Bill No. 2158; by Rep. Kernell.

Under the rules, House Bill(s) No(s): 2384, 2407, 2889, 2333 and 2158 was/were placed at the foot of the calendar for March 6, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 107** -- Law Enforcement - Makes law enforcement officers and their employers immune for injuries caused to third party by suspect fleeing pursuit; makes injured third party eligible for claim under criminal injuries compensation fund for injury caused by fleeing suspect or pursuing officer. Amends TCA Title 29, Chapter 13, Part 1; Title 55, Chapter 8, Part 1. by *Walley, *Kent, *Cantrell, *Ford S, *Cole (Dyer), *Byrd, *Givens, *Sharp, *West, *Haley, *Bird, *Hassell, *Kisber, *Langster, *Williams (Union), *Shirley, *Herron. (SB638 by *Person, *Crowe)

Further consideration of House Bill No. 107, previously considered on April 27, 1995 and May 17, 1995, and reset to today's Calendar.

Rep. Walley moved that House Bill No. 107 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1271 -- Contractors - Excludes contractors from alarm systems licensing requirements if such contractors deliver less than 45 percent of gross annual revenues from sales, monitoring installation and monitoring services of alarm systems. Amends TCA Title 62, Chapter 32, Part 3. by *Garrett. (*SB768 by *Haynes)

Further consideration of House Bill No. 1271, previously considered on May 15, 1995, and reset to today's Calendar.

Rep. Garrett moved that House Bill No(s). 1271 be reset to the Regular Calendar for March 25, 1996, which motion prevailed.

House Bill No. 819 -- Education - Allows commissioner of education to grant one-year extension for principals and administrators for required attendance at principal-administrator academy. Amends TCA 49-5-5703. by *Davis, *Huskey, *Roach. (*SB70 by *Haun)

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Rep. Davis moved that House Bill No(s). 819 be reset to the Regular Calendar for March 11, 1996, which motion prevailed.

House Bill No. 3100 -- Local Government, General - Includes collectors of metropolitan governments with those of municipal corporations as authorized to collect taxes and fines. Amends TCA Title 6, Chapter 55. by *Garrett, *Pruitt, *Langster, *West, *Halteman Harwell, *Odom, *Jones, S., *Robinson, *Arriola, *Purcell. (*SB3087 by *Haynes, *Henry, *Harper, *Rochelle)

Rep. Garrett moved that House Bill No. 3100 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3100 by deleting Section 1 thereof and substituting therefor the following:

SECTION 1. Tennessee Code Annotated, Section 6-55-101, is amended by adding the following language as subsection (b) thereof, and designating the existing language as subsection (a):

Notwithstanding any charter provision to the contrary, the powers of the county trustee of any county having a metropolitan form of government and a population of over four hundred fifty thousand (450,000) according to the 1990 federal census or any subsequent federal census shall include the power to collect real and personal property taxes or tax equivalents and all merchants' ad valorem taxes that have been delinquent for more than six (6) months as well as any interest and penalties thereon, if such power be given to the county trustee by ordinance of the legislative body of such a county.

On motion, Amendment No. 1 was adopted.

Rep. Garrett moved that **House Bill No. 3100**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns,

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Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2316** -- Pensions and Retirement Benefits - Authorizes purchaser of certain retirement credits in TCRS through monthly installments. Amends TCA Title 8, Chapter 37, Part 2. by *Rhinehart. (SB2583 by *Atchley)

On motion, House Bill No. 2316 was made to conform with **Senate Bill No. 2583**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 2583 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2583 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Any funds required to administer or implement the provisions of this act shall be earmarked from funds available to administer the Tennessee Consolidated Retirement System and appropriated for such purpose.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **Senate Bill No. 2583**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2104** -- Civil Procedure - Creates conflict of interest if employee of MHMR, community mental health center or agency contracting with department has ownership in residential facility and employee makes decisions on transferring patients; imposes \$1,500 civil penalty for each violation. Amends TCA Title 33, Chapter 3. by *Pruitt, *Stamps. (SB2336 by *Dixon)

Rep. Pruitt moved that House Bill No. 2104 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2104 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) (1) IF

1. a person is an officer or employee of the department, OR

2. a person is an officer or employee of a licensee of the department, AND

3. the person or the person's spouse, parent, grandparent, brother, sister, or child has an ownership interest in a residential facility which is not publicly held or an ownership interest in a business which is not publicly held that owns a residential facility that provides mental health or mental retardation services to persons OR

4. any individual or combination of individuals named in item 3, above, has an ownership interest of at least thirty-five (35) percent in a residential facility which is publicly held that provides mental health or mental retardation services to persons, OR

5. any individual or combination of individuals named in item 3, above, has an ownership interest of at least thirty-five (35) percent in a business that is publicly held that owns a residential facility that provides mental health or mental retardation services to persons,

THEN

6. the person must disclose the interest to the department or licensee, AND

7. the person may not serve in a capacity of decision making or influence or responsibility for the direct referral or placement of persons to any residential facility that provides mental health or mental retardation services.

(b) If a person violates subsection (a), the commissioner shall assess a civil penalty of fifteen hundred dollars (\$1,500) per incident against such person for each violation. A penalty shall be assessed only after an informal hearing is held in the same manner as an informal hearing is held prior to the suspension of a license under §4-5-322(d). If services to a recipient of mental health or mental retardation services have been provided in violation of this act, the commissioner may:

(A) require transfer of the recipient of services to another provider of services as soon as is reasonably practical;

(B) authorize the recipient of services to remain with the provider of services if the commissioner determines it to be in the best interests of the recipient of services to remain with the provider of services;

(C) restrict the referral of other recipients of services to such provider of services; or

(D) impose such sanctions listed in (A)--(C), above, in any combination or impose any other appropriate sanctions in the discretion of the commissioner.

(c) On the effective date of this act any officer or employee who is not in conformity with subsection (a) shall conform to its terms. After the effective date of this act, any person to whom this act applies must disclose such information before being hired or as a part of a contract entered into with a provider of mental health or mental retardation services. Failure to disclose such information shall subject the person to removal from the position held and the contract to cancellation or renegotiation.

(d) If a person is relieved of such decision making authority or responsibility under this act, the personnel records of the officer or employee shall state that the officer or employee was relieved of such authority or responsibility solely to conform to this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Pruitt moved that **House Bill No. 2104**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

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A motion to reconsider was tabled.

***House Bill No. 2331** -- Highways, Roads and Bridges - Requires notification by county highway commission to adjoining landowners before road can be designated as "county road." Amends TCA Section 54-8-102. by *Buck. (SB2544 by *Springer)

Rep. Buck moved that House Bill No(s). 2331 be reset to the Regular Calendar for March 11, 1996, which motion prevailed.

***House Bill No. 2027** -- Traffic Safety - Requires fine of at least \$250 for citation for speeding in reduced speed zone when employee of department of transportation or construction workers present. Amends TCA Section 55-8-153 and Section 55-8-152. by *Haley, *Bittle, *Davis, *McDaniel, *Boyer, *Newton. (SB2075 by *Jordan, *Haun, *Holcomb, *Crowe, *Gilbert, *Koella, *Miller J., *Fowler, *Elsea, *Rice, *Hamilton, *Carter, *Person, *Leatherwood)

On motion, House Bill No. 2027 was made to conform with **Senate Bill No. 2075**; the Senate Bill was substituted for the House Bill.

Rep. Haley moved that Senate Bill No. 2075, be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 3.

Rep. Haley moved that **Senate Bill No. 2075**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough,

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Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2450 -- Uniform Commercial Code - Permits filing of copies of Article 9 documents if security agreement so provides; requires such documents to be on 8 1/2 x 11 paper beginning 1/1/97 Amends TCA Title 47, Chapter 9, Part 4. by *West, *Napier, *Stamps. (*SB2519 by *Haynes)

On motion, House Bill No. 2450 was made to conform with **Senate Bill No. 2519**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 2519, be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. West moved that **Senate Bill No. 2519** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2807** -- Election Laws - Prohibits nonresidents who own property in Doyle from voting in city elections. Amends TCA Title 6, Chapter 53, Part 1. by *Curtiss. (SB3092 by *Elsa)

Rep. Curtiss moved that **House Bill No. 2807** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 549** -- Sexual Offenses - Reduces from ten to seven days period in which convicted sexual offender must complete TBI sexual offender registration monitoring form following change of residence. Amends TCA Title 40, Chapter 39, Part 1. by *Turner (Hamilton), *McMillan, *Chumney, *Jones, S., *DeBerry L. (SB705 by *Crowe)

Rep. Turner(Hamilton) moved that House Bill No. 549 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 549 and by substituting instead the following:

SECTION 1.

(a) Tennessee Code Annotated, Section 40-39-102(2)(B)(i), is amended by deleting the words and punctuation "placed on probation," and by substituting instead the following:

placed on pretrial diversion, judicial diversion, probation,

(b) Tennessee Code Annotated, Section 40-39-102(2)(B)(ii), is amended by deleting the words and punctuation "Is discharged from probation," and by substituting instead the following:

Is discharged from pretrial diversion, judicial diversion, probation,

SECTION 2. Tennessee Code Annotated, Section 40-39-104, by deleting from the first sentence the words and punctuation "the TBI shall mail a nonforwardable," and by substituting instead the following:

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the TBI shall, by certified mail return receipt requested, send a nonforwardable,

SECTION 3. Tennessee Code Annotated, Section 40-39-104, is further amended by deleting from the third sentence the language "ten (10)" and substituting instead the language "fifteen (15)".

SECTION 4. Tennessee Code Annotated, Section 40-39-106(b), is amended by deleting the language of the subsection and by substituting instead the following:

(b) Upon notification by the TBI, the district attorney general shall notify the local law enforcement agency, probation officer, parole officer, or other public officer or employee assigned responsibility for the sexual offender's supervised release and shall cause the apprehension of the sexual offender whenever there is probable cause to believe that such offender has violated the provisions of this chapter.

SECTION 5. Tennessee Code Annotated, Section 40-39-108, is amended by designating the current language as subsection (a) and by adding the following new subsections (b) and (c):

(b) The district attorney general within each judicial district shall submit a quarterly sexual offender status report to the TBI. The report shall contain a short statement regarding the status of each individual in the judicial district who has been reported by the TBI to be in violation of subsection (a). The report shall state whether each such individual has been convicted of violation of subsection (a) or is under indictment for such violation, whether there is such an indictment pending, or whether no proceedings are under way against such individual.

(c) In a prosecution for a violation of this section, in lieu of live testimony the Tennessee bureau of investigation records custodian may, by sworn affidavit, verify that according to such records a sexual offender is in violation of the registration or verification requirements of this chapter.

SECTION 6. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Turner(Hamilton) moved that **House Bill No. 549**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1990 --** Medical Occupations - Revises scope and limitations of medical laboratory testing; exempts certain facilities from Medical Laboratory Act; increases medical laboratory board from 11 to 13 members. Amends TCA Title 68, Chapter 29, Part 1. by *Walley. (SB2051 by *Holcomb)

Rep. Walley moved that House Bill No(s). 1990 be reset to the Regular Calendar for March 6, 1996, which motion prevailed.

House Bill No. 3175 -- Public Defenders - Permits executive secretary to district public defenders conference and executive secretary's assistants and employees to practice law if required by duties of office. Amends TCA Title 8, Chapter 14. by *Purcell, *Hargrove, *Chumney, *Buck, *Williams (Williamson), *Cole (Carter). (*SB2080 by *Rochelle)

On motion, House Bill No. 3175 was made to conform with **Senate Bill No. 2080**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 2080** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2677 -- Local Government, General - Prohibits local governmental units from controlling amount of rent charged for residential or commercial property. Amends TCA Title 66, by *Rhinehart. (*SB2683 by *Rochelle)

On motion, House Bill No. 2677 was made to conform with **Senate Bill No. 2683**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2683** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes	1
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Brooks -- 1.

Representative present and not voting were: Jones, U (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 3081 -- Telecommunications - Adds unauthorized use of wireless telecommunication services to offense of theft of services. by *Hargrove, *Stamps. (*SB2676 by *Rochelle)

Rep. Hargrove requested that House Bill No. 3081 be moved to the heel of the Calendar.

***House Bill No. 2382** -- Motor Vehicles - Provides that state regulation of ambulances and emergency medical vehicles operated by emergency medical services licensed by department of health shall not be regulated by department of safety except in matters of motor vehicle titling and registration. Amends TCA Title 55, Chapter 8, by *Hargrove. (SB2548 by *Burks)

On motion, House Bill No. 2382 was made to conform with **Senate Bill No. 2548**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that **Senate Bill No. 2548** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3079 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for Mothers Against Drunk Driving (MADD). Amends TCA Title 55, Chapter 4. by *Hargrove, *West. (*SB3220 by *Burks)

Rep. Hargrove moved that House Bill No. 3079 be passed on third and final consideration.

Rep. Rhinehart moved that all members voting aye be added as sponsors, which motion prevailed.

Rep. Hargrove moved that **House Bill No. 3079** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

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***House Bill No. 2093** -- Election Laws - Deletes requirement elderly or handicapped person file letter with election commission stating that intends to vote at commission; authorizes affidavit to be kept on file at commission. Amends TCA Section 2-3-109. by *West, *Langster, *Pruitt. (SB2369 by *Harper)

Rep. West requested that House Bill No. 2093 be moved to the heel of the Calendar.

House Bill No. 2871 -- DUI/DWI Offenses - Provides that operating motor vehicle with blood or breath alcohol concentration of .10 percent or more is per se violation of DUI statute; maintains .10 percent presumption of intoxication for proving defendant was driving under influence of intoxicant. Amends TCA Title 55, Chapter 10, Part 4. by *Robinson, *Stamps, *Herron, *Venable, *Hassell, *Williams (Union), *Beavers, *Ford S, *Ramsey, *Peach, *Patton, *Sharp, *Clabough, *McDaniel, *Bittle, *Walley, *West, *Ritchie. (*SB2955 by *Gilbert, *Holcomb, *McNally, *Atchley, *Miller J, *Fowler, *Elsa, *Burks, *Jordan, *Leatherwood, *Cooper)

Rep. Robinson moved that **House Bill No. 2871** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 3108 -- Education - Reestablishes Tennessee model dropout prevention program in department of education. to revive and re-enact TCA Section 3-15-207 and Section 49-1-520. by *Jones U (Shelby), *Bowers. (*SB3006 by *Harper)

Rep. Jones, U (Shelby) moved that House Bill No. 3108 be passed on third and final consideration.

Rep. Jones, U (Shelby) moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3108 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall be null and void unless the general appropriations act provides an appropriation for the estimated first year's funding pursuant to Article II, Section 24, of the constitution of the state of Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Jones, U (Shelby) moved that **House Bill No. 3108**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 3049 - Election Laws - Prohibits contesting candidate's nominating petition once county election commission has certified all signatures and accepted petition. Amends TCA Title 2, Chapter 5. by *Jones U (Shelby), *Brooks. (*SB2750 by *Dixon)

Rep. Jones, U (Shelby) moved that House Bill No. 3049 be passed on third and final consideration.

Rep. Jones, U (Shelby) moved that House Bill No(s). 3049 be reset to the Regular Calendar for March 11, 1996, which motion prevailed.

House Bill No. 2200 -- Knox County - Subject to local approval, increases number of commissioners of tourist commission from seven to nine; one to be appointed by the county executive and confirmed by the county legislative body and one to be appointed by the mayor and confirmed by the city council. Amends Chapter 847 of the Public Acts of 1982. by *Burchett, *Armstrong, *Tindell. (*SB2356 by *Atchley)

On motion, House Bill No. 2200 was made to conform with **Senate Bill No. 2356**; the Senate Bill was substituted for the House Bill.

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Rep. Burchett moved that **Senate Bill No. 2356** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2168 -- County Government - Permits Obion County to remove debris from owner occupied property and attach lien for cost of removal to owner's property tax bill. Amends TCA Title 5, Chapter 1, Part 1. by *Pinion. (*SB2196 by *Hamilton)

On motion, House Bill No. 2168 was made to conform with **Senate Bill No. 2196**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that Senate Bill No. 2196 be passed on third and final consideration, which motion prevailed.

On motion, Rep. Jones, R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Herron moved the previous question, which motion prevailed.

Rep. Pinion moved that **Senate Bill No. 2196** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	1
Present and not voting	12

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Roach,

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Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Walley, West, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Callicott -- 1.

Representatives present and not voting were: Brown, Givens, Joyce, Miller, Newton, Ramsey, Towns, Turner(Hamilton), Turner(Shelby), Venable, Westmoreland and Williams(Union) -- 12.

A motion to reconsider was tabled.

House Bill No. 3081 -- Telecommunications - Adds unauthorized use of wireless telecommunication services to offense of theft of services. by *Hargrove, *Stamps. (*SB2676 by *Rochelle)

Further consideration of House Bill No. 3081 previously considered on today's Calendar.

Rep. Hargrove moved that House Bill No(s). 3081 be reset to the Regular Calendar for March 6, 1996, which motion prevailed.

***House Bill No. 2093** -- Election Laws - Deletes requirement elderly or handicapped person file letter with election commission stating that intends to vote at commission; authorizes affidavit to be kept on file at commission. Amends TCA Section 2-3-109. by *West, *Langster, *Pruitt. (SB2369 by *Harper)

Further consideration of House Bill No. 2093 previously considered on today's Calendar.

On motion, House Bill No. 2093 was made to conform with **Senate Bill No. 2369**; the Senate Bill was substituted for the House Bill.

On motion, Rep. Jones, U (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. West moved that **Senate Bill No. 2369** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

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Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Newton, **House Bill No. 2248, 2251, 3204, 1170** were recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Newton, **House Bill No. 3199** was recalled from the State & Local Government Committee and withdrawn from the House.

On motion of Rep. McDonald, **House Bill No. 1971** was recalled from the Judiciary Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 6, 1996:

House Bill No. 2119: Rep. Kernell.

House Bill No. 1335: Rep. Odom.

RULES SUSPENDED

Rep. DeBerry, L. moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 456 out of order, which motion prevailed.

House Joint Resolution No. 456 -- Memorials, Public Service - Minister Shirley Prince. by *DeBerry L, *Jones U (Shelby), *Bowers, *Towns, *Miller L, *Brooks, *DeBerry J, *Jones R (Shelby), *Turner (Shelby).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. DeBerry, L., the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 453: Rep(s). Coffey as prime sponsor(s).

House Bill No. 2479: Rep(s). Turner(Shelby), Kernell, DeBerry, J., Jones, R. (Shelby), Towns, Miller, Jones, U (Shelby), DeBerry, L., Kent, Joyce, Armstrong and Pruitt as prime sponsor(s).

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House Bill No. 2568: Rep(s). Brooks, Naifeh, McKee, Davis, Williams(Williamson), Phillips, McDonald, Cross, Davidson, Stulce, Fowlkes and Eckles as prime sponsor(s).

House Bill No. 2594: Rep(s). Langster as prime sponsor(s).

House Bill No. 2616: Rep(s). Newton as prime sponsor(s).

House Bill No. 2692: Rep(s). Odom as prime sponsor(s).

House Bill No. 2795: Rep(s). McDaniel, Jones, U. (Shelby), Walley, Fitzhugh as prime sponsor(s).

House Bill No. 2803: Rep(s). Langster as prime sponsor(s).

House Bill No. 3063: Rep(s). Newton as prime sponsor(s).

House Bill No. 3167: Rep(s). Beavers as prime sponsor(s).

ENROLLED BILLS

March 4, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 29, 2241, 2669, 2719, 2728, 2878, 2998, 3240, 3241 and 3244; House Joint Resolution(s) No(s). 435, 436, 440 and 443.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 4, 1996

The Speaker signed the following: House Bill(s) No(s). 29, 2241, 2669, 2719, 2728, 2878, 2998, 3240, 3241 and 3244; House Joint Resolution(s) No(s). 435, 436, 440 and 443.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 4, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 161; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 4, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2060, 2276 and 2705; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

March 4, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 549, 2104, 2231, 2594, 2693, 2699, 2788, 2807, 2871, 2887, 2973, 3079, 3100, 3108, 3170 and 3223; also, House Joint Resolution(s) No(s). 389, 390, 398, 407, 454 and 456.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 6, 1996.